

Application No.: 09/892,596

Attorney Docket: NORTI-444A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Ayala, et al.)	Confirmation No.	4591
)		
Serial No.:	09/892,596)	Art Unit:	2635
)		
Filed:	June 27, 2001)	Examiner:	Holloway
)		
For:	Method for a Key to Selectively)		
	Allow Access to an Enclosure)		

PETITION TO REVIVE AN ABANDONED APPLICATION PURSUANT

TO 37 C.F.C. § 1.137(b) (UNINTENTIONAL DELAY)

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUN 13 2005

OFFICE OF PETITIONS

Dear Sir:

Applicant respectfully petitions to revive the above-identified application pursuant 37 C.F.R. § 1.137(b) wherein a Notice of Abandonment was mailed on May 20, 2004. 37 C.F.R. § 1.137(b) recites that a petition to revive an abandoned application may be filed if the delay in reply by Applicant was unintentional. Such section also further recites that a grantable petition must be accompanied by (1) the reply required to the outstanding Office Action; (2) the petition fee as set forth in Section 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any Terminal Disclaimer required pursuant to paragraph (d) of this section.

In support of Applicant's petition, Applicant concurrently submits herewith a reply required to the outstanding Office Action of October 4, 2003 as Exhibit A. Further, the petition fee as set forth in Section 1.17(m) is also submitted herewith. Lastly, a statement by Bruce B. Brunda, Esq. is submitted as Exhibit B which states that the entire delay in filing

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the required reply from the due date for the reply until the filing of this petition was unintentional.

The Terminal Disclaimer recited in 37 C.F.R. 1.137(a)(4) is not required based on a view that subsection (d) of 1.137 does not apply to the above-identified application. In particular, subsection (d) of 1.137 applies only in a design application and either a utility or plant application filed before June 8, 1995. The above-identified application was filed on June 27, 2001. Also, the earliest claim of priority dates back to August 12, 1998, the date which U.S. Provisional Application Serial No. 60/096,251 was filed. Hence, a Terminal Disclaimer is not required for this petition.

It is submitted, that on the evidence provided, the present Petition to Revive an Abandoned Application should be granted. To the extent that the petition is granted, Applicant respectfully requests entry of the response to the Office Action submitted concurrently herewith as Exhibit A.

Applicants also submit concurrently herewith an Information Disclosure Statement pursuant to 37 C.F.R. Section 1.97, as Exhibit C. To the extent that the petition is granted, Applicant respectfully requests consideration of the references disclosed therein.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: June 6, 2005 By:

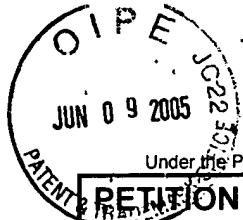
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BBB/JCY/vm

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

NORTI-444A

First named inventor: Raymond Ayala

Application No.: 09/892,596

Art Unit: 2635

Filed: June 27, 2001

Examiner: Holloway

Title: METHOD FOR A KEY TO SELECTIVELY ALLOW ACCESS TO AN ENCLOSURE

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Office Action (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

B. B. Brunda

Signature

June 6, 2005

Date

Bruce B. Brunda

Typed or printed name

28,497

Registration Number, if applicable

75 Enterprise, Suite 250

Address

949 855-1246

Telephone Number

Aliso Viejo, CA 92656

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

6-6-05

Date

Virginia R. North

Signature

Virginia R. North

Typed or printed name of person signing certificate